

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION COURT
BOSTON, MA

E.O. 12812
IMMIGRATION COURT
BOSTON, MA
PLEASE DO NOT ACCEPT
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In the matter of

Mario HENRIQUEZ,

Respondent.
-----X

File No. A12-³45-175

Motion to Reopen

The Respondent, through counsel (Form EOIR-28 attached), moves this Court, pursuant to 8 C.F.R. section 3.23(b), to reopen the within matter. In compliance therewith, the Respondent states that he has not departed the United States, is not subject to any criminal proceeding or any pending criminal prosecution, and that with this motion the respondent alleges that he never received notice of the hearing which was conducted *in absentia* on or about April 4, 1991 in Boston. In support of this motion, the Respondent, through counsel, states the following:

1. He is a native and citizen of Ecuador who entered the United States as a lawful permanent resident over thirty years ago.
2. On April 4, 1991, a deportation hearing was conducted *in absentia* by an Immigration Judge in the Boston District of EOIR.
3. The Respondent never received notice of that hearing.
4. The Respondent lacked notice of the Hearing and did not deliberately fail to appear for his hearing.
5. The Respondent is currently in the custody of the INS at SPC, 201 Varck Street, New York, NY 10014.
6. The Respondent resides at 801 N. Broad Street, Elizabeth, NJ 07208.

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MOTION
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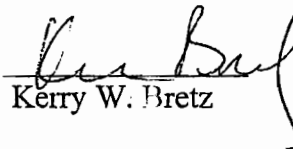
MAH 0016

WHEREFORE, the Respondent respectfully asks the Court to grant his motion to reopen removal proceedings.

Dated: New York, New York
September 28, 1998

Respectfully submitted,
BRETZ & ASSOCIATES

By:


Kerry W. Bretz

CERTIFICATION: The undersigned certifies that on September 28, 1998, INS Litigation at J.F.K. Federal Building, Government Center, Boston, Massachusetts 02203 was served with a copy of this motion, by First Class Mail.


Kerry W. Bretz